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LLC

UNITED STATES BANKRUPTCY COURT

CENTRAL DISTRICT OF CALIFORNIA

SANTA ANA DIVISION

In re

POWER BALANCE, LLC, a Delaware
limited liability company,

Debtor.

Case No. 8:11-bk-25982 TA

Chapter 11

POWER BALANCE, LLC, a Delaware
limited liability company,

Plaintiff,

vs.

MERCURY PUBLIC AFFAIRS LLC, a
Delaware limited liability company,

Defendant.

Adv. No. 8:13-ap-01370-TA

**NOTICE OF VOLUNTARY DISMISSAL
OF COMPLAINT AGAINST
DEFENDANT MERCURY PUBLIC
AFFAIRS LLC**

Status Conference Information:

Date: August 28, 2014

Time: 10:00 a.m.

Place: Courtroom 5B
411 West Fourth Street
Santa Ana, CA 92701

**TO THE HONORABLE THEODOR C. ALBERT, UNITED STATES BANKRUPTCY
JUDGE, DEFENDANT MERCURY PUBLIC AFFAIRS LLC AND ALL OTHER
INTERESTED PARTIES:**

PLEASE TAKE NOTICE that pursuant to Rule 41(a)(1)(i) of the Federal Rules of Civil
Procedure, as made applicable to this adversary proceeding pursuant to Rule 7041 of the Federal

Rules of Bankruptcy Procedure, plaintiff, Power Balance, LLC , hereby voluntarily dismisses with
prejudice the above-captioned adversary proceeding against Defendant Mercury Public Affairs
LLC.

DATED: June 10, 2014

Respectfully submitted,

SulmeyerKupetz
A Professional Corporation

By: /s/ Steven F. Werth
Steven F. Werth
Special Litigation Counsel for Power Balance,
LLC

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PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is 333 South Hope Street, Thirty-Fifth Floor, Los Angeles, California 90071-1406.

A true and correct copy of the foregoing document entitled (*specify*): **NOTICE OF VOLUNTARY DISMISSAL OF COMPLAINT AGAINST MERCURY PUBLIC AFFAIRS LLC** will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On June 10, 2014 I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

- United States Trustee (SA): ustpreion16.sa.ecf@usdoj.gov
- Steven F. Werth: swerth@sulmeyerlaw.com, asokolowski@sulmeyerlaw.com; slee@sulmeyerlaw.com

☐ Service information continued on attached page.

2. SERVED BY UNITED STATES MAIL:

On June 10, 2014, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

The Honorable Theodor C. Albert
United States Bankruptcy Court
Ronald Reagan Federal Building
411 West Fourth Street
Suite 5085
Santa Ana, CA 92701-4593

☐ Service information continued on attached page.

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (*state method for each person or entity served*): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, June 10, 2014, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

Attorneys for Defendant Mercury Public Affairs LLC:

James R. Serritella, Esq./Davis & Gilbert LLP: jserritella@dglaw.com

Tracy M. Clements, Esq./Keller, Sloan, Roman & Holland LLP: tclements@ksrh.com

☐ Service information continued on attached page.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

<u>June 10, 2014</u>	<u>Ann L. Sokolowski</u>	<u>/s/ Ann L. Sokolowski</u>
<i>Date</i>	<i>Printed Name</i>	<i>Signature</i>